IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:09-cr-00042-FDW-SCR

UNITED STATES OF AMERICA,)	
	Plaintiff,)	
)	
v.)	
)	
DANIEL STILL, JR.,)	ORDER OF CONTINUING
	Defendant,)	GARNISHMENT
)	
and)	
)	
ABERNATHY CONTRACTING,)	
	Garnishee.)	
)	

THIS MATTER is before the Court on the Government's Motion for Order of Continuing Garnishment (Doc. No. 56) and the Answer of Garnishee (Doc. No. 55).

Judgment in the criminal case was entered on September 3, 2010. (Doc. No. 26). As part of that Judgment, Defendant, Daniel Still, Jr., was ordered to pay an assessment of \$25.00, a fine of \$2,500.00, and restitution in the amount of \$247,500.00. Id.

On September 17, 2024, the Court entered a Writ of Continuing Garnishment ("Writ") (Doc. No. 52) as to Garnishee, Abernathy Contracting. Defendant was served with the Writ and Instructions notifying him of his right to request a hearing and/or claim exemptions on September 23, 2024 (Doc. No. 54). Garnishee was served with the Writ and Instructions on or about October 15, 2024. <u>Id.</u> Garnishee filed an Answer on October 23, 2024 (Doc. No. 55) stating that at the time of service of the Writ, Garnishee had in its custody, control, or possession property or funds owned by Defendant, including nonexempt, disposable earnings. Garnishee certified that it served the Answer on Defendant on October 15, 2024. Defendant did not request a hearing, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$224,744.09, the balance remaining computed through September

16, 2024. Garnishee shall pay the United States up to the lesser of:

1. twenty-five percent (25%) of Defendant's disposable earnings which remain after all

deductions required by law have been withheld, or

2. the amount by which Defendant's disposable earnings for each week exceed thirty (30)

times the federal minimum wage.

See 15 U.S.C. § 1673(a). Garnishee shall continue payments until the debt to the United States is

paid in full; until Garnishee no longer has custody, possession, or control of any property belonging

to Defendant; or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

CLERK OF THE UNITED STATES DISTRICT COURT
ATTN: FINANCE DEPARTMENT
401 WEST TRADE STREET

CHARLOTTE, NORTH CAROLINA 28202

To ensure that each payment is credited properly, the following should be included on each check:

Defendant's Name Daniel Still, Jr., Case Number DNCW3:09CR42.

IT IS FURTHER ORDERED that Garnishee shall advise this Court if Defendant's

employment is terminated at any time by Garnishee or Defendant.

IT IS FURTHER ORDERED that the United States shall submit this debt to the Treasury

for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant

would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: November 19, 2024

Susan C. Rodriguez

United States Magistrate Judge

Radigy